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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,158	06/20/2006	Alonso Coronado Luengo	P4043-223	9071
2352 7590 07/02/2010 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				
EXAMINER				
HOLT, ANDRIAE M				
ART UNIT		PAPER NUMBER		
1616				
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07/02/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.



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6/20/2006

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P/4043-223

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## EXAMINER

Andriae M. Holt

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1616

20100630

DATE MAILED:

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## Commissioner for Patents

The amendment filed on April 8, 2010 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because Applicant has cancelled all claims directed to the elected invention. Applicant has added new claims that are directed to a distinct invention. Applicant's original claims were directed to a method of sterilizing an object that comprises contacting said object with a sufficient amount of a sterilizing agent to substantially eliminate all life forms from said object (claim 25). Applicant's new claims are directed to a biocidal method for at least partially reducing the presence of harmful and damaging organisms from a surface, surfaces of animal and human skin, and animal and human mucosal surfaces by contacting said surface with a sufficient amount of a biocidal composition (new claim 67). The surfaces of animal and human skin and animal and human mucosal surfaces would not read on the surface of an object as recited in the original claims because the skilled artisan would not want to eliminate all life forms from animal and human skin and animal and human mucosal surfaces. In addition, these limitations were excluded from the previous claims examined. The examination of the new claims which have a different scope and are a distinct invention from the previously examined claims would present the examiner with an undue search and examination burden. Applicant has received an action on the merits for the originally presented invention, as such; that invention has been constructively elected by original presentation for prosecution on the merits.

Since the above-mentioned amendment appears to be a bona fide attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

/John Pak/  
Primary Examiner, Art Unit 1616